

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BANDWIDTH ALLOCATION CREDIT UPDATING ON A VARIABLE TIME BASIS  
the specification of which

X is attached hereto.

\_\_\_\_\_ was filed on \_\_\_\_\_ as Application Serial  
No. \_\_\_\_\_ and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patent-  
ability as defined in 37, Code of Federal Regulations, §1.56 and which is material  
to the examination of this application, namely, information where there is a  
substantial likelihood that a reasonable examiner would consider it important in  
deciding whether to allow the application to issue as a patent

\_\_\_\_\_ and in compliance with this duty there is attached an information  
disclosure statement in accordance with 37 CFR 1.98.

I hereby claim foreign priority benefits under Title 35, United States Code,  
19 of any foreign application(s) for patent or inventor's certificate or of any  
international application(s) designating at least one country other than the  
United States of America listed below and have also identified below any foreign  
application(s) for patent or inventor's certificate or any PCT international  
application(s) designating at least one country other than the United States of  
America filed by me on the same subject matter having a filing date before that of  
the application(s) of which priority is claimed;

X no such applications have been filed.

\_\_\_\_\_ such applications have been filed as follows.

- A. Prior Foreign/PCT Application(s) filed within 12 months  
(6 months for Design) prior to this Application  
and any Priority Claims under 35 U.S.C. §119:

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No

Continued -

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter to each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)

Address all correspondence to:

LAW OFFICES OF THOMAS E. SCHATZEL  
A Professional Corporation  
16400 Lark Avenue, Suite 240  
Los Gatos, California 95032-2547

Address all telephone calls to Thomas E. Schatzel at telephone No. 408) 358-7733.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of  
sole or first inventor: FREDERICK KIREMIDJIAN


Inventor's Signature:  Date: 10/24/01

Residence: 55 Panorama Court  
Danville, California 94506

Citizenship: United States

Post Office Address: 55 Panorama Court  
Danville, California 94506

Full name of  
second joint inventor: LI-HO RAYMOND HOU

Second Inventor's Signature:  Date: 10/16/2001

Residence: 13642 Verde Vista Court  
Saratoga, California 95070

Citizenship: United States

Post Office Address: 13642 Verde Vista Court  
Saratoga, California 95070

Applicant or Patentee: FREDERICK KIREMIDJIAN and LI-HO RAYMOND HOU Attorney's  
Serial or Patent No.: \_\_\_\_\_ Docket No.: SS-709-10  
Filed or Issued: \_\_\_\_\_  
For: BANDWIDTH ALLOCATION CREDIT UPDATING ON A VARIABLE TIME BASIS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN)**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN AMPLIFY.NET, INC.  
ADDRESS OF SMALL BUSINESS CONCERN 47381 Bayside Parkway, Fremont, California 94538

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

rights held by the above identified small business concern are not exclusive, each individual, concern or organization claiming rights in the invention must file separate verified statement averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) at person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or nonprofit organization under 37 CFR 1.9(e).

1 person, concern or organization having rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.  
☐ Each such person, concerns or organizations listed below.

separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING FREDERICK KIREMIDJIAN

TITLE OF PERSON OTHER THAN OWNER Vice President, Engineering

ADDRESS OF PERSON SIGNING AMPLIFY.NET, INC., 47381 Bayside Parkway  
Fremont, California 94538

SIGNATURE  DATE 10/24/08

**POWER OF ATTORNEY BY ASSIGNEE**

The undersigned, as Assignee of the entire right, title, and interest in and to the subject matter which is described and claimed and for which a patent is sought on the invention entitled:

**BANDWIDTH ALLOCATION CREDIT UPDATING ON A  
VARIABLE TIME BASIS**

the specification of which

X is attached hereto;

\_\_\_\_\_ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_;  
(if applicable)

\_\_\_\_\_ Assignment recorded on \_\_\_\_\_ at Reel/Frame \_\_\_\_\_  
(if applicable)

hereby elects to control the prosecution of this application and hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith:

**Thomas E. Schatzel      Reg. No. 22,611**

Address all correspondence to:

**LAW OFFICES OF THOMAS E. SCHATZEL  
A Professional Corporation  
16400 Lark Avenue, Suite 240  
Los Gatos, California 95032-2547**

Address all telephone calls to **Thomas E. Schatzel** at telephone No. **(408) 358-7733**.  
Our facsimile No. **(408) 358-7720**.

Assignee hereby petitions and requests that this file be closed to the inventor(s), or representative(s) thereof.

AMPLIFY.NET, INC.

Dated: 10/24/01

By   
Frederick Kiremidjian

Title: VP Engineering

AMPLIFY.NET, INC.  
47381 Bayside Parkway  
Fremont, California 94538